39. (Amended) A method for order confirmation of on-line trades, comprising the steps of:

assigning an order reference number for a trade order;

sending the order having the reference number to a trading system;

storing the trade order in a transaction database;

sending an intrusive alert to a financial advisor; and

assigning an error/informational code to the trade order.

REMARKS

Claims 1, 2, 4-6, 9-12, 14-21, 23, and 26-39 are pending. Claims 3, 7-8, 13, 22, 24-25, and 40 are canceled without admission and without prejudice. Claims 1, 6, 9, 10, 14, 15, 23, 26, 34 and 39 are amended herein. The Applicants respectfully submit the following remarks in response to the Office Action mailed September 30, 2002 ("Office Action").

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following five groups:

- Group I: claims 1-28, drawn to "an on-line trading system"

- Group II: claims 29-33, drawn to "a method of placing a trade order"

- Group III: claims 34-38, drawn to "a method for validating on-line trades"

- Group IV: claim 39, drawn to "a method for order confirmation of trades"

- Group V: claim 40 ---*claim canceled*---

Applicants respectfully submit that the restriction requirement is moot as a result of the enclosed preliminary amendment and request that the Examiner proceed to substantive examination of all pending claims. However, should the Examiner conclude that the restriction requirement is not moot, Applicants respectfully traverse the restriction

requirement and provisionally elect the amended claims that are still pending in Group I for further prosecution in another application.[1] Reconsideration of the restriction requirement is respectfully for at least the following reasons:

Examiner has stated that the inventions of Groups I-IV "are distinct as each group is directed towards different subject matter and have acquired a separate status in the art as shown by their different classification." Applicants respectfully submit that the current claims of each Group are not distinct. Inventions are "distinct" if, although related, they are capable of separate manufacture, use, or sale as claimed, and are patentable over each other. See M.P.E.P. § 802.01, at 800-3. The current claims of any of Group I-IV are not patentable over the current claims of any other of Group I-IV.

Applicants also point out that the claims of each Group do not satisfy the requisite element of being "independent" from each other. See id. Inventions are independent when there is not disclosed relationship between them, which is to say that they are unconnected in design, operation, or effect. See id. However, the relationship between the claims of all Groups I-IV is well-disclosed. The claims of all Groups I-IV generally relate to online trading systems and specifically relate to trading systems involving the confirmation and/or validation of trades in accordance with predetermined business rules.

For at least the above-stated reasons, Applicants traverse the restriction requirement and respectfully request Examiner to examine all claims.

As another matter, Applicants note that at page 3 of the Office Action, Examiner states in regards to Applicant's information disclosure statement ("IDS") that "Applicant's []
IDS has been received. Applicant is requested to explain the relevancy of each document as it pertains to Applicant's disclosure and claim language." Applicants respectfully request clarification of the nature of the request at least for the following two reasons.

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[1] Applicants retain their right to further prosecute the subject matter of any and all non-

First, an "explanation of relevance" for a reference disclosed in an IDS is only required when the reference is articulated in a non-English language. See M.P.E.P § 609, at 600-22; 37 C.F.R. § 1.98(a)(3)(i). The disclosed references are in English.

Second, an "explanation of relevance" is not the type of information specifically addressable by a Rule 105 information requirement as "reasonably required for examination of the application." See 37 C.F.R. § 1.105, *reprinted in* M.P.E.P § 704.11(a), at 700-8. In addition, to make a Rule 105 requirement, an Examiner must "clearly indicate that a requirement under 37 C.F.R. § 1.105 is being made, the basis for the requirement, and what information is being required." See M.P.E.P § 704.14(a), at 700-11. Examiner has not clearly indicated whether Examiner is issuing a Rule 105 requirement and, if so, Examiner has not stated the basis for any such requirement. For at least these reasons, Applicants respectfully request clarification of the nature and basis of Examiner's information request.
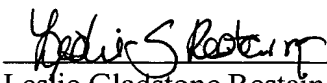
Applicants also note that Examiner's information request was in response to Applicants' submission of an IDS, however the submission of an IDS is a factor indicative that requested information is not necessary. See id. § 704.11(b), at 700-8. Because the information request was made in response to the submission of an IDS, Applicants respectfully request that the Examiner reconsider the request. ,

elected claims in another application, such as a divisional application for example.

CONCLUSION

Applicants believe that they have fully responded to the Examiner's concerns and that all claims are in condition for substantive examination. Applicants request that any questions concerning this matter be directed to the undersigned at (973) 775-8930.

Respectfully submitted,

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REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 1 IN MARKED-UP FORM:

1. (Amended) An on-line trading system utilizing [the Internet] a computer network, comprising:

[a)] a client computer provided with a web browser for connecting to [the Internet] the computer network;

[b)] a brokerage interface operative to allow a client to execute a sale or purchase of financial products and services when connected to the client computer over the computer network;

[c)] a providing server connected to said brokerage interface, the providing server operative to provide account information to the brokerage interface;

[d)] a mainframe computer operative to receive the sale or purchase of financial products and services from the client and to apply a set of predetermined business rules and calculations to ensure that the client does not incur risk in the sale or purchase of financial products and services;

[e)] a connecting server connecting the providing server to said mainframe;

[f)] a quote server connected to said providing server, the quote server operative to provide real-time quotes to the providing server for presentation to the client by way of the brokerage interface;

[g)] an advisor computer operated by a financial advisor to monitor and correct errors in the sale or purchase of financial products and services; and

[h)] a trading system connected to said mainframe computer, said trading system having access to [a plurality of] one or more exchanges and operative to receive the sale

or purchase of financial products and services from the mainframe computer and

execute the trade

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 6 IN MARKED-UP FORM:

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6. (Amended) A system as recited by claim 1, further comprising a trade wizard helper

program, the trade wizard operative to provide the client with interactive information to assist in

the sale or purchase of financial products and services.

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 9 IN MARKED-UP FORM:

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9. (Amended) A system as recited by claim [8] 1, wherein the predetermined business rules are real-time and customizable.

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 10 IN MARKED-UP FORM:

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10. (Amended) A system as recited by claim [8] 1, wherein the predetermined business rules permit only cash and margin account trades.

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 14 IN MARKED-UP FORM:

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14. (Amended) A system as recited by claim 1, further comprising a central order room

<u>operative to enable viewing of the sale or purchase of financial products and services and the</u>

<u>execution of a correction action</u>.

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 15 IN MARKED-UP FORM:

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15. (Amended) An on-line system for <u>allowing a client to</u> [trading] <u>trade</u> financial

instruments over [the Internet] <u>a computer network</u> comprising:

[a)] a client computer provided with a web browser for connecting to [the

Internet] <u>the computer network</u>;

[b)] brokerage interface means <u>operative to allow the client to trade financial</u>

<u>instruments through the client computer</u>;

[c)] providing server means, said [provider] <u>providing</u> server means capable of

transmitting <u>account</u> information to and from said brokerage interface means;

[d)] a mainframe computer means <u>operative to receive the trade of financial</u>

<u>instruments and to apply a set of predetermined business rules and calculations to ensure</u>

<u>that the client computer does not incur risk in the trade of financial instruments</u>;

[e)] connecting server means capable of transmitting information between said

providing server means and said mainframe means;

[f)] quote server means capable of transmitting stock market quotes and related

information to said providing server means;

[g)] advisor computer means operated by a financial advisor <u>to monitor and</u>

<u>correct errors in the trade of financial instruments</u>; and

[h)] trading system means connected to said mainframe computer means, said

trading system means having access to a plurality of exchanges in order to facilitate

trading of said financial instruments.

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 23 IN MARKED-UP FORM:

23. (Amended) A system as recited by claim 15, further comprising a trade wizard

helper program, said trade wizard helper program operative to provide the client with interactive

information to assist in the trade of financial instruments.

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 26 IN MARKED-UP FORM:

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26. (Amended) A system as recited by claim [24] 15, wherein the predetermined

business rules permit only cash and margin account trades.

34. (Amended) A method for validating on-line trades, comprising the steps of:

[a)] applying a set of applicable predetermined business rules to the on-line trade;

[b)] validating an account of a client executing the one on-line trade against a reference database listing preselected client accounts;

[c)] checking a trade allotment of [selected] the client;

[d)] validating a [stock] symbol for the financial instrument that is the subject of the on-line trade;

[e)] obtaining a pricing quote for the financial instrument that is the subject of the on-line trade;

[f)] checking for same side and opposite side orders;

[g)] calculating a code of [a trade order] the on-line trade;

[h)] where the on-line trade is a sell order, verifying [a] the client's positions for [a] the sell order;

[i)] where the on-line trade is a buy order, verifying funds available for buy orders;

[j) maintaining a state for Internet-based applications;]

[k)] sending an alert to a financial advisor; and

[l)] assigning error/informational codes indicative of the disposition of the on-line trade.[; and]

[m) assigning informational codes.]

REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 39 IN MARKED-UP FORM:

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39. (Amended) A method for order confirmation of on-line trades, comprising the steps

of:

[a)] assigning an order reference number for [the] a trade order;

[b)] sending [an] the order having the reference number to a trading system;

[c)] storing the trade order in a transaction database;

[d)] sending an intrusive alert to a financial advisor; and

[e)] assigning an error/informational code to the trade order.